



**COMMITTEE MID-TERM CONFERENCE CALL
ZOOM MEETING
MAY 20, 2020**

The mid-term committee conference call took place via Zoom, with participants joining via video or telephone. The change in platform was due to the COVID-19 pandemic and was Chairman Aimee Jorjani's response to the discussions at the March business meeting where members requested more topical discussions and not as much reporting during meetings. The chairman sent background material prior to the call on the four topics that were to be discussed.

Section 106 and the COVID-19 Pandemic

Reid Nelson noted the ACHP has worked with the National Conference of State Historic Preservation Officers (NCSHPO) and National Association of Tribal Historic Preservation Officers (NATHPO) to try to provide the best guidance to agencies in how to determine whether those offices, SHPOs, or THPOs might be open or closed, and when to contact the ACHP for assistance in the Section 106 review process should they not respond. The ACHP has updated its website in order to provide clear information to agencies about assessing the readiness of a particular partner in advancing consultation.

The ACHP developed guidance directed toward helping agencies consider priorities and what projects they may need to bring to closure in the short-term. Programmatically, the ACHP has, first with the Department of Housing and Urban Development, and then government-wide, provided authorization for federal agencies to use the emergency provisions in the regulations under 800.12 through May 29 (and since this meeting, the authorization has been extended to July 31).

The ACHP has also worked with the Federal Emergency Management Agency (FEMA) to develop the first-ever emergency procedures under 800.12(a). These procedures allow FEMA to rapidly reimburse state, tribal, and local partners for the important measures they need to undertake to help the nation respond to COVID-19. The ACHP hosted a number of teleconferences with Federal Preservation Officers (FPOs) to check in with them and provide assistance as needed.

NCSHPO reported the vast majority of states are operating as close to normal as possible, and updates have been posted on its website. One challenge is whether states have electronic project review systems in place, or if they rely entirely on paper submissions. For the states that rely on paper, most have been able to operate, as Jay Vogt suggested, by assigning staff to come in on certain days to process mail and documentation as needed so Section 106 reviews continue. Mark Wolfe said he gave Texas SHPO staff laptop computers to use for telework. Valerie Grussing said tribal casinos have been closed which causes financial hardship for many tribes.

Vice Chairman Leonard Forsman said everyone is trying to respond to funding opportunities. The first round of CARES Act money went out to tribes about two weeks prior to the committee call. If THPOs can demonstrate expenses related to this, there are opportunities available. Chairman Jorjani mentioned following up with Vice Chairman Forsman on his ideas for justifying potential assistance for THPOs, which is underway with ONAA.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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Beth Savage said General Services Administration (GSA) buildings are open but very limited to occupancy. GSA is responsible for cleaning and disinfection, both within their owned inventory and their vast leased inventory. Construction activities have been slowed considerably. Small projects have been greatly impacted because those are taking place within buildings and within clients' space.

COVID-19 Stimulus and Recovery Initiatives

Chairman Jorjani said she is seeking guidance from agencies for ACHP positions as recovery phases move ahead. She wanted to learn about various agency initiatives and other proposals that might be included in any further stimulus, recovery legislation, or Administration action, including the FY 2022 budget.

The National Trust, NCSHPO, and NATHPO have produced letters to Congress and the Administration regarding funding for SHPOs, THPOs, Certified Local Governments, competitive preservation grants, infrastructure projects, and the arts and humanities. Improvements to the Historic Tax Credit (HTC) also have been proposed to Congress and the Administration, most recently in correspondence to the Department of the Treasury regarding relaxing certain timing requirements for HTC projects. Corey Kegerise said the National Alliance of Preservation Commissions has been offering webinars for members to learn about legal issues regarding public meetings. Additionally, Mr. Wolfe suggested making sure the funds move through already-established channels.

Chairman Jorjani sees the addition of Tyler Fish as the Executive Director of the White House Council on Native American Affairs as a good connection to work on broadband and the ACHP's role on the White House Council. Jordan Tannenbaum suggested that Congress and the Administration consider funding the Preserve America program. Also, the ACHP's Digital Information Task Force has concluded its work and has disseminated its findings, which address the importance of funding digital tools to improve access to information about historic properties.

Robert Simison said his city has gone to a virtual environment for land use hearings, and he is seeking the most efficient digital solution for businesses to reopen. Vice Chairman Forsman said there is guidance from the Department of the Treasury about the relief to states, tribes, and counties that was sent out through the CARES Act. Information Technology is important because the pandemic demonstrated the need for robust Internet access for everyone. He said health and housing is also important, with a lot of money being dumped into states, tribes, and the local economies.

Army Program Comment on Historic Inter-War Family Housing

Mr. Nelson committed to alerting ACHP members when opportunities arise, or when it is necessary to have member input as the Office of Federal Agency Programs works on an unprecedented number of program alternatives. Such input would include gaining members' perspectives on particularly controversial issues addressed in a proposed program alternative.

He has spent a great deal of time with the Army in the development of its historic inter-war-era family housing Program Comment (PC). This matter is the Army's number one historic preservation priority with the desired outcome to balance the need for military housing and preservation concerns.

This PC raised two controversial issues. First is the use of "imitative substitute building materials;" second is inclusion of provisions for demolition and new construction in the PC and within those design guidelines. Currently, the demolition plan for inter-war-era housing over the next five years is to address approximately 35 housing units out of a total of 3,200 inter-war-era units constructed between 1919 and 1940. The Army intends to submit its formal request for ACHP action on the PC by July.

Deputy Assistant Secretary Amy Borman and Dave Guldenzopf, Army FPO, gave an overview. Dr. Guldenzopf said the impetus for the PC originated with a news story in 2018 about children being poisoned by lead on US Army bases. The lead-based paint in the building materials in the historic housing was identified as the source.

Dr. Guldenzopf said the purpose and intent of the PC are to balance preservation considerations under Section 106 with those issues that directly impact military families' quality of life, health, and safety, compliance process delays that impact timely occupancy of housing, and the high cost of the source building materials that impact the ability to fully implement housing improvements.

Erik Hein said while everyone is concerned about the state of military housing, he did not think demolition rises to the need that it should be included and called out in the PC. He is interested in finding other solutions for historic military housing. He said NCSHPO thinks the highly unusual nature of demolition and new construction warrants regular Section 106 reviews. It need not be onerous, he said, and it does not prevent the Army from doing what it needs to do. He also added that the SHPOs and the National Trust are concerned about the term "imitative substitute materials," mostly because it is vague. More clarity could be offered to use terms that are more common in the field.

Dr. Guldenzopf said the Army modified the terms and defined imitative substitute materials specifically as "readily available industry standard natural composite and synthetic materials that simulate the appearance of and substitute for historic building materials."

Betsy Merritt said this could be addressed in a site-specific Memorandum of Agreement. She suggested pursuing an alternative way to try to avoid the vagueness. Luis Hoyos suggested having a robust assessment of alternatives before demolition is considered.

Chairman Jorjani called for another member briefing g within the next month to focus solely on this topic. Mr. Nelson said his expectation would be to share a draft of the PC with the members before the Army formally requests it. Then, he could get input from them and be reasonably confident that when he goes back to the Army and advises them on changes, that the changes will be made, and what will be formally requested is something members are likely to vote affirmatively for.

Program Alternatives Heading Toward ACHP Member Action

Jaime Loichinger gave an overview of the consultation with the Office of Surface Mining Reclamation and Enforcement (OSMRE), a bureau within the Department of the Interior, about a pilot program they are funding in West Virginia, proposing to provide funding to a county authority for the construction of telecommunication towers and a network of wireless facilities on abandoned mine lands, which will provide service to areas within the state that are underserved or unserved right now.

During the Section 106 consultation, it became apparent that some of these activities would benefit from being included in the 2009 Broadband PC. In the future, these towers will be Federal Communications Commission undertakings that are reviewed under their two nationwide Programmatic Agreements for tower construction and co-location. The PC's original purpose was intended to eliminate duplicative reviews for the USDA Rural Utilities Service's broadband programs, and other agencies were subsequently added through a prior amendment. Staff provided members a draft of the amendment that adds OSMRE to the PC. But staff also suggested that since this is such a minor technical amendment, it might be worthwhile to consider allowing the chairman to approve extensions of the PC's duration and the addition of federal agencies in the future to this PC to add efficiency, without going through an unassembled meeting.

Mr. Nelson asked members if they had any concerns about adding another agency to a PC that has been working very well. Since the number of PCs is rapidly growing, he suggested that the chairman be authorized to make similar technical and administrative adjustments for future PCs without requiring them to be brought to the whole council.

Members asked if adding agencies to already customized program alternatives would be problematic. The question of a definition of what technical adjustments are was raised, but the members agreed it would be appropriate to have the chairman make those adjustments. Many agency members voiced their support.

Mr. Nelson also commented that the ACHP's consultation with the Forest Service has provided for two program alternatives that are developing nicely. One is a nationwide Programmatic Agreement about phasing their undertakings to better coordinate the Section 106 review with the broader environmental review carried out under the National Environmental Policy Act. The other is a PC for decommissioning excess and deteriorated facilities. More information about these will be available soon, and he asked for members to let him know if they think that either one is a good candidate for him setting up a teleconference to talk further about them.

In Closing

Chairman Jorjani welcomed Rick Gonzalez and bid Terry Guen farewell. Ms. Guen said her time on the ACHP has been a delightful experience. She encouraged members to always consider cultural landscapes in connection to nature as a direction going forward. Mr. Gonzalez said he is honored to be appointed to the ACHP and looks forward to learning at the national level after 33 years of experience in the private sector.

Chairman Jorjani said the summer business meeting was scheduled for July 8-9 but may be postponed. She suggested the ACHP can do something more topic-based like this meeting, later in the summer.
Update: July meeting postponed. Next business meeting scheduled for October 7-8.

IN ATTENDANCE

Aimee Jorjani, Chairman

Leonard Forsman, Vice Chairman

Terry Guen

Luis Hoyos

Jordan Tannenbaum

Jay Vogt

Brad White

Architect of the Capitol Represented by **Doug Lipscomb**

Secretary of Agriculture Represented by **Allen Rowley**

Secretary of Defense Represented by **Maureen Sullivan**

Administrator, General Services Administration Represented by **Beth Savage**

Secretary of Homeland Security Represented by **Tom Chaleki**

Secretary of the Interior Represented by **Ryan Hambleton** and **Caroline Henry**

Secretary of Transportation Represented by **Colleen Vaughn**

Secretary of Veterans Affairs Represented by **Michael Brennan**

Indian Tribe Member **Reno Keoni Franklin**

Mayor Member **Robert Simison**

National Conference of State Historic Preservation Officers **Mark Wolfe** and **Erik Hein**

National Association of Tribal Historic Preservation Officers **Shasta Gaughen** and **Valerie Grussing**

National Trust for Historic Preservation **Paul Edmondson**, **Elizabeth Merritt**, **Tom Cassidy**

Preserve America Youth Summits **Ann Alexander Walker**
Chair, National Alliance of Preservation Commissions **Corey Kegerise**
President, ACHP Foundation **Katherine Slick**
Incoming ACHP Expert Member **Rick Gonzalez**

ACHP Executive Director John M. Fowler; ACHP Office Directors Reid Nelson, Susan Glimcher, Javier Marqués, Valerie Hauser, Dru Null; ACHP Assistant Directors Jaime Loichinger and Tom McCulloch; all ACHP staff; Amy Borman, Deputy Assistant Secretary of the Army; Dave Guldenzopf, Army Federal Preservation Officer